

ORIGINAL

**United States District Court**

**for the**

**DISTRICT OF HAWAII**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 19 2006

at 11 o'clock and 40 min AM  
SUE BEITIA, CLERK

Name of Offender: KIRK HAAKE

Case Number: CR 04-00479SOM-01

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway  
U.S. District Judge

Date of Original Sentence: 7/8/2005

Original Offense: Count 1: FELON IN POSSESSION OF A FIREARM AND  
AMMUNITION, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a), a  
Class C felony

Count 2: PERSON PREVIOUSLY CONVICTED OF A  
MISDEMEANOR CRIME OF DOMESTIC VIOLENCE IN  
POSSESSION OF A FIREARM AND AMMUNITION, in violation of  
18 U.S.C. § 922(g)(9), a Class C felony

Original Sentence: Thirteen (13) months imprisonment, as to each of Counts 1 and 2, to run concurrently and three (3) years supervised release, as to each of Counts 1 and 2, to run concurrently with the following special conditions: 1) That the defendant participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment; 2) That the defendant execute all financial disclosure forms requested by the Probation Office and provide access to any requested financial information; 3) That the defendant provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; and 4) That the defendant shall submit his person, residence, place of employment or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant

shall warn any other resident that the premises may be subject to search pursuant to this condition. The Court also imposed a fine of \$1,000 which was ordered due immediately and that any remaining balance be paid upon release from confinement during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income.

Type of Supervision: Supervised Release Date Supervision Commenced: 11/23/2005

### PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

*That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervised release, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day (mandatory condition).*

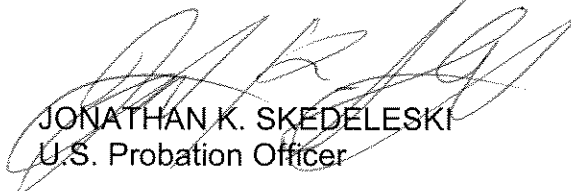
### CAUSE

Since the commencement of supervised release on 11/23/2005, the subject has been compliant and posed no management problems. He has maintained stable housing and employment since his release. The subject is currently enrolled in outpatient substance abuse treatment at Hina Mauka and appears to be drug-free.

The subject has agreed to modify his conditions of supervised release to allow drug testing consistent with the mandates of United States v. Stephens. This modification is warranted when considering the subject's extensive substance abuse history. The revised condition will assist our office in monitoring the subject's future compliance once released from substance abuse treatment.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections.

Respectfully submitted by,

  
JONATHAN K. SKEDELESKI  
U.S. Probation Officer

Approved by:



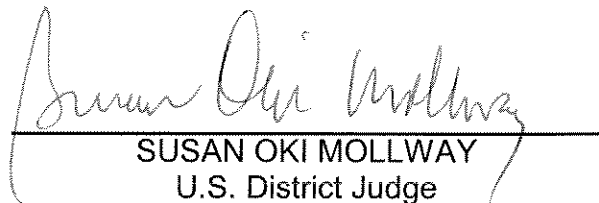
TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 6/15/2006

---

THE COURT ORDERS:

☒ The Modification of Conditions as Noted Above  
☐ Other

  
SUSAN OKI MOLLWAY  
U.S. District Judge

JUN 15 2006

Date

PROB 49  
(5/96)

## United States District Court

### District of Hawaii

#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:


- ☐ To extend the term of supervision for years, for a total term of years.  
☒ To modify the conditions of supervision as follows:

*That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision unless there is a positive drug test, in which event, the maximum shall increase to up to one valid drug test per day (mandatory condition).*

Witness:

  
JONATHAN K. SKEDELESKI  
U.S. Probation Officer

Signed:

  
KIRK HAAKE  
Supervised Releasee

5/17/06  
Date